

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

BOBBY NEIL MCFALLS

PLAINTIFF

v.

No. 2:05CV82-D-A

WARDEN TOMMY TAYLOR, ET AL.

DEFENDANTS

FINAL JUDGMENT

In accordance with the memorandum opinion issued today in this cause, the defendant Bearry's March 1, 2006, motion for summary judgment, the defendant Epps' March 7, 2006, motion to dismiss, and the defendants' Taylor and Collier's March 9, 2006, motion to dismiss are hereby **GRANTED**.

As such, the instant case is hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted, counting as a "strike" under 28 U.S.C. §§ 1915 (e)(2)(B)(i) and 1915(g).

SO ORDERED, this the 12th day of June, 2006.

/s/ Glen H. Davidson
CHIEF JUDGE